

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-4, 7 and 11 are under consideration. Claims 5, 6 and 8-10 have been withdrawn from consideration. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

It is respectfully requested that the present Amendment should be entered into the official file in view of the facts that the amendments automatically place the application in condition for allowance. If the Examiner does not agree that the application is in condition for allowance, it is requested that the Amendment should be entered for the purpose of appeal. Applicant submits that no new issues are created by the entry of this Amendment. The additional language was discussed with the Examiner at an interview and is being submitted to simplify the issues.

Interview

Applicant notes with appreciation the telephone interview conducted with Examiner Odland on June 25, 2004. At that interview, possible claim amendments were discussed to place the application in better form. Although no

agreement was reached as to allowability, the present Amendment includes claim changes which were generally considered to be helpful by the Examiner. Accordingly, the present Amendment is being considered for full consideration.

Election of Species

The Examiner required an election of species between three Species and two Valve Subspecies. An election was made over the telephone on April 23, 2004 electing Species I and Subspecies A, including claims 1-5 and 7. Accordingly, claims 6 and 8-10 have been withdrawn. In the recent action, the Examiner further points out that claim 5 is directed to Valve Subspecies B and, accordingly, claim 5 has been withdrawn. Applicant submits that the present Amendment places claim 1 into condition for allowance and that, accordingly, since it is generic to claims 5 and 6, that these claims should also be considered if claim 1 is found allowable.

Rejection Under 35 U.S.C. § 102

Claims 1-3 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Grim (U. S. Patent RE 34,883). This rejection is respectfully traversed.

The Examiner points out that the Grim reference shows an apparatus having an inflation member with two pouches, each of which has two free ends

and a slot. The Examiner also states that the reference shows a control means mounted to each pouch, a delivery means having one end connected to the control mean, and a single fluid generation means. Applicant submits that claim 1 as amended is not anticipated by this reference.

The Grim device is for supporting the back, and, accordingly, the pouches are not circular, as is the present invention. In the present invention, the device is designed to go around a neck, arm or leg in a circular fashion, rather than being applied against a flat surface such as the back. Also, the bulb is connected to all of the features commonly, which is not the case in the Grim device. Instead, in Grim, the bulb may be moved to be connected to any of the pouches, but cannot be connected commonly.

Claim 1 has now been amended to make these features more clear. Thus, the pouches are now described as being circular pouches and the slot opening between the free ends is described. In addition, the delivery means is now discussed as being connected to each of the control means. For these reasons, Applicant submits that claim 1 is allowable over Grim.

Claims 2-4 and 7 depend from claim 1 and, as such, are also considered to be allowable. In addition, these claims recite other features of the invention which help to make these claims additionally allowable.

New claim 11 has also been added, which further describes the arrangement of the fasteners which allow the free ends to be closed when worn but to allow the

insertion of a body portion when open. This is also not seen in the Grim reference.

Rejection Under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being obvious over Grim in view of Crowley (U. S. Patent 4,653,550). This rejection is respectfully traversed.

The Examiner agrees that Grim does not show a valve stem and elastic element and relies on Crowley to teach these features. However, Applicant submits that even if this reference does show such features, this claim is still allowable based on its dependency from allowable claim 1. Accordingly, this rejection is also overcome.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to

conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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